

## **REMARKS**

### **Summary**

Claims 1-45 stand in this application. Claims 12-17, 21, 22, 31, 32, 36-38 and 40-45 were previously withdrawn. Claims 1, 7, 11, 20, 30 and 39 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 7, 11, 20, 30 and 39 in order to facilitate prosecution on the merits.

### **Allowable Claims**

We would like to thank the Examiner for indicating the allowability of claims 1, 20, 30 and 39 if rewritten or amended to overcome the rejections under 35 U.S.C. § 112. Applicant respectfully submits that these claims have been amended in accordance with the instructions in the Office Action to overcome the claim objections and the § 112 rejections. Applicant respectfully submits, therefore, that these independent claims, and all claims depending directly or indirectly therefrom, are in condition for allowance and a timely notice of allowance to this effect is respectfully requested.

### **Claim Objections**

Claims 1, 11, 20, 30 and 39 stand objected to based on claim informalities. Applicant respectfully submits that claims 1, 11, 20, 30 and 39 have been amended to

consistently recite the limitation “mobile communications device.” Therefore, withdraw of the objection to claims 1, 11, 20, 30 and 39 is respectfully requested.

In claim 11, the limitation “select” has been amended to recite “selected” as requested in the Office Action. Furthermore, the limitation “any other” has been amended to recite “any other antennae within the single antennae structure.” Therefore, withdraw of the objections to claim 11 are respectfully requested.

In claim 30, the limitation “any other” has been amended to recite “any other antennae within the single antennae structure.” Furthermore, the limitation “the communication device” has been amended to recite “the mobile communications device” as requested in the Office Action. Therefore, withdraw of the objections to claim 30 are respectfully requested.

In claim 39, the limitation “at the device” has been amended to recite “at the mobile communications device” as requested in the Office Action. Furthermore, the limitation “any other antennae” has been amended to recite “any other antennae within the single antennae structure” as requested in the Office Action. Therefore, withdraw of the objections to claim 39 are respectfully requested.

**35 U.S.C. § 112**

At page 3 of the Office Action, claims 1, 11 and 20 have been rejected under 35 U.S.C. § 112 for failing to comply with the written description requirement. Applicant respectfully traverses the rejection based on the above amendments. These claims have been amended in accordance with the Office Action to remove the limitation “remote” from the claims, and removal of this rejection is respectfully requested. Applicant further

submits that the above amendments are made to overcome a § 112 rejection and are not made to overcome the cited references. Accordingly, these amendments should not be construed in a limiting manner.

At page 4 of the Office Action, claims 1, 11, 20, 30 and 39 have been rejected under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which the application regards as his invention. Applicant respectfully traverses the rejection based on the above amendments. These claims have been amended in accordance with the Office Action, and removal of this rejection is respectfully requested. Applicant further submits that the above amendments are made to overcome a § 112 rejection and are not made to overcome the cited references. Accordingly, these amendments should not be construed in a limiting manner.

**35 U.S.C. § 103**

At page 5, paragraph 2 of the Office Action claims 11, 13-15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,646,615 to Andrews et al. ("Andrews") in view of US 6,400,699 to Airy et al. ("Airy"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully submits, as recited above, that independent claims 1, 20, 30 and 39 are in condition for allowance. Furthermore, Applicant respectfully submits that independent claim 11 has been amended to recite features similar to those recited in claims 1, 20, 30 and 39. Therefore, Applicant respectfully submits that claim 11 is not obvious and is patentable over Andrews and Airy. Accordingly, Applicant respectfully

requests removal of the obviousness rejection with respect to claim 11. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 13-15 and 16 that depend from claim 11, and therefore contain additional features that further distinguish these claims from Andrews and Airy.

For at least the reasons given above, claims 11, 13-15 and 16 are non-obvious and represent patentable subject matter in view of the cited references, whether taken alone or in combination. Accordingly, removal of the obviousness rejection with respect to claims 11, 13-15 and 16 is respectfully requested. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

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Examiner: Zewdu, Meless NMN  
TC/A.U. 2617

It is believed that claims 1-11, 13-16, 20, 23-30, 33-35 and 39 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-4238.

Respectfully submitted,

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/John F. Kacvinsky/

John F. Kacvinsky, Reg. No. 40,040  
Under 37 CFR 1.34(a)

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